

**REMARKS/ARGUMENTS**

In the Office Action, the Examiner again utilizes the reference to Baumgartner, however, now as modified by Narahara. As will be further discussed below, Applicants respectfully traverse this rejection for at least the reason that, even if Narahara discloses what the Examiner argues it discloses, there would be no motivation to modify Baumgartner by Narahara because Baumgartner and Narahara operate on totally different principles of operation.

In the Office Action, the Examiner acknowledges that Baumgartner's valve rod 127, during a closing movement of the valve actuator, does not have an excess length that provides for stopping of the valve rod and an associated damping function *when* the excess length is taken up by an elastic deformation of the valve rod. The Examiner argues that Narahara discloses such a valve rod and that it would have been obvious to make the valve rod 127 of Baumgartner elastically deformable and slightly longer than the required length, just as the valve rod of Narahara is, so that when the valve is closed, the excess length of the valve rod is taken up by elastic deformation of the valve rod. The Examiner argues that this modification would allow for the shock of the valve closing to be absorbed at two positions rather than just one, as taught by Narahara.

Applicants respectfully submit that there would be no motivation to make the valve rod 127 of Baumgartner elastically deformable and slightly longer than the required length to absorb the shock of the valve closing because Baumgartner provides its own mechanism for absorbing the shock of the valve closing and modifying Baumgartner's valve rod to make it elastically deformable would both change the principle of operation of Baumgartner and render it unsuitable for its intended purpose, both of which are impermissible.

In Baumgartner, the shock of the valve closing is absorbed by the armature plate 28, which is movably supported on the "valve rod" 27, 127, moving counter to the closing direction of the valve rod. As explained in Baumgartner, a rebounding occurs when a relatively large mass is accelerated and then is suddenly braked abruptly, i.e., when the "valve rod" 27, together

with the armature plate 28, and the valve member 25 strike as a mass against the valve seat 24. However, to solve this problem, Baumgartner discloses that a significant part of the relatively large mass, i.e., the armature plate 28, is movably supported on the other moving part, i.e., the valve rod 27. Thus, with this mechanical configuration, after the valve member 25 comes to rest on the valve seat 24, the armature plate 28 can move further counter to the force of the restoring spring 35 so that all at once, the effectively braked mass becomes smaller and the elastic deformation of the valve seat as an energy reserve, which leads to the disadvantageous rebounding of the valve member, is now more slight. Col. 3, line 53 – col. 4, line 3.

Therefore, Applicants respectfully submit that there would be no motivation to make the valve rod of Baumgartner elastically deformable and slightly longer than the required length, even if Narahara discloses this feature, because Baumgartner provides its own mechanism for allowing the shock of the valve closing to be absorbed. Further, Applicants respectfully submit that there would be no motivation to make the valve rod elastically deformable and slightly longer to provide for absorbing the shock at two positions, if this is the basis for the Examiner's motivation argument, since modification of Baumgartner's valve rod as argued by the Examiner would merely provide for absorbing the shock at a same position as Baumgartner's mechanism, i.e., the end of the valve rod opposite the sealing end.

Further yet, Applicants respectfully submit that any modification of Baumgartner's valve rod as argued by the Examiner would change the principle of operation of Baumgartner's mechanism and render it unsuitable for its intended purpose. If Baumgartner's valve rod was modified as argued by the Examiner, in order for the excess length of the valve rod to provide for an associated damping function by the excess length being taken up by an elastic deformation of the valve rod, the armature plate 28 of Baumgartner would have to be rigidly supported on the valve rod 27. Without this rigid coupling, the excess length could not elastically deform the valve rod because the excess length

would merely move the armature plate. Therefore, Applicants respectfully submit that any modification of Baumgartner's valve rod as argued by the Examiner would change the principle of operation of Baumgartner's mechanism and render it unsuitable for its intended purpose.

Therefore, for at least the above reasons, Applicants respectfully submit that the application is allowable over Baumgartner and Narahara.

Further in the Office Action, the Examiner has objected to the drawings as not showing every feature specified in the claims. Applicants respectfully submit that this application is a National Phase application of PCT International Application No. PCT/EP00/04815, and that the drawing requirements for this National Phase application are governed by M.P.E.P. ¶ 1893.03(f), which provides that the drawings for the national stage application must comply with PCT Rule 11. As further stated in this M.P.E.P. section, "[t]he USPTO may not impose requirements beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11)." Therefore, Applicants respectfully submit that the drawings comply with PCT Rule 11, that the Examiner cannot place additional requirements on the drawings beyond those that are imposed by PCT Rule 11, and therefore, respectfully request that the Examiner withdraw the drawing objections that are based on this basis.

Further with respect to the drawings, Applicants have amended the specification to replace the reference character "5" (not shown in the drawings) with "s" (shown in Figure 3) and add reference characters "d" and "f" (shown in Figure 3) and "120" (shown in Figure 2). Applicants respectfully submit that these amendments of the specification obviate the Examiner's additional objections to the drawings.

Lastly in the Office Action, the Examiner states that the Application Data Sheet (ADS) does not acknowledge the filing of any foreign application. However, Applicants respectfully submit that the second page of the ADS filed in this application on February 19, 2002, provides the priority information. A copy of the ADS filed on February 19<sup>th</sup> is enclosed for the Examiner's ease of

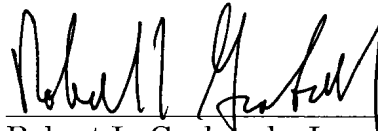
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Amdt. Dated 02/03/2010  
Reply to Office Action of 10/01/2009

reference. Further Applicants respectfully submit that the Filing Receipt also reflects the priority information. Therefore, Applicants respectfully submit that a new oath, declaration, or Application Data Sheet is not required and that the Examiner withdraw this requirement.

Applicants respectfully submit that the application is now in condition for allowance. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

As provided for above, this paper includes a Petition for an Extension of Time sufficient to effect a timely response. Please charge any deficiency in fees, or credit any overpayments, to Deposit Account No. 05-1323 (Docket No. 010816.50684US).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert L. Grabarek, Jr.', written over a horizontal line.

Robert L. Grabarek, Jr.  
Registration No. 40,625

February 3, 2010

Attachment  
CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

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